



Pharr



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December 18, 2018

Ken Paxton
OFFICE OF THE TEXAS
ATTORNEY GENERAL
Open Records Division
P.O. Box 12548
Austin, Texas 78711

RE: Public Information Request R000891-121018
Requestor: Dave Hendricks
Date Received: December 10, 2018

Dear Open Records Division:

The City of Pharr is requesting a decision from the Office of the Attorney General pursuant to Tex. Gov. Code §552.301 of the Texas Public Information Act regarding the City's authority to withhold certain information from public disclosure under the Public Information Act.

The requestor, Dave Hendricks, has specifically asked for information that involves a contract that, if released, would give advantage to a competing City. The request, attached as Exhibit A, requests the following:

"All personnel records for Alex Meade.

> A copy of the contract between the city of Pharr and Alex Meade.

> All job application records for Alex Meade."

The City is providing a copy of the job application for Alex Meade to the Requestor, however, the City seeks to withhold a copy of the contract between the City and Alex Meade, and seeks to redact salary information from Alex Mead's personnel records. The responsive contract is being provided as Exhibit B.

A. INFORMATION RELATED TO BIDDING, CONTRACTS, AND PROPRIETARY INFORMATION

The responsive contract is subject to the Public Information Act's exception to disclosure, specifically section 552.104, which excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." The test under Section 552.104 is whether knowing another competitor's information would be an advantage, not whether it would be a decisive advantage. *Boeing Co. v. Paxton*, 466 S.W.3d 831, 841 (Tex. 2015). The purpose of Section 552.104 is to protect a governmental body's interests in competitive situations. The City competes with other cities in attracting businesses, economically, and in attracting City leadership with certain skills at a competitive rate. The City has not made the contract public. The release of this information would cause harm to the City of Pharr's interest in retaining a qualified, experienced, City Manager at competitive rates and in turn harm the City's ability to compete with other cities in hiring a City Manager.

Please advise of your interpretation and application of the legal provisions referred to above so that the requestor can obtain a response to its request. The City of Pharr believes that the responsive information is excepted from disclosure.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me. I will earnestly await your response.

Sincerely,



Patricia A. Rigney
City Attorney

Attachment

Cc: Dave Hendricks (without exhibits)



McAllen, TX 78501